IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 26189 of 2004(P)

PETITIONER:

S.PURUSHOTHAMAN
(RETIRED DISTRICT REGISTRAR (AUDIT), MALAPPURAM),
RESIDING AT PANCHAVADI, C.M.C. IX, CHERTHALA P.O.

BY ADV. SMT.P.V.ASHA
SMT.K.SARITHA

RESPONDENTS:
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1. **STATE OF KERALA,**
   REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
   DEPARTMENT OF TAXES, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **INSPECTOR GENERAL OF REGISTRATION,**
   THIRUVANANTHAPURAM.

3. **ACCOUNTANT GENERAL (A & E), KERALA,**
   THIRUVANANTHAPURAM.

4. **SUB TREASURY OFFICER,**
   CHERTHALA, ALAPPUZHA DISTRICT.

BY GOVERNMENT PLEADER SRI. P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1:	**COPY OF GRATUITY PAYMENT ORDER DTD. 17/02/1999.**
EXT.P1A:	**COPY OF GRATUITY PAYMENT ORDER DTD. 9/99.**
EXT.P1B:	**COPY OF GRATUITY PAYMENT ORDER DTD. 18/07/2000.**
EXT.P2:	**COPY OF THE NOTICE NO.E3-10285/97 DTD. 9/04/2002 OF 2ND RESPONDENT ALONG WITH THE LIABILITY CERTIFICATE.**
EXT.P3:	**COPY OF THE EXPLANATION DTD. 27/04/2002 OF PETITIONER.**
EXT.P4:	**COPY OF THE REPRESENTATION DTD. 19/01/2001 OF PETITIONER BEFORE GOVERNMENT.**
EXT.P5:	**COPY OF THE G.O.(RT) NO.469/2004/TD DTD. 6/07/2004.**
EXT.P6:	**COPY OF G.O.(P) NO.151/90 TD DTD. 1/11/1990.**
EXT.P7:	**COPY OF LETTER NO.7208/E2/98/TD DTD. 1/06/1998.**
EXT.P8:	**COPY OF G.O.(P) 119/99 TD DTD. 17/08/1999.**
EXT.P9:	**COPY OF THE REPRESENTATION DTD. 12/01/2001 OF PETITIONER TO GOVERNMENT.**
EXT.P10:	**COPY OF G.O.(MS) NO.32/98/IR DTD. 23/03/1998.**
EXT.P11:	**COPY OF LETTER NO.23380/E2/2003/TD DTD. 18/06/2003.**
EXT.P12:	**COPY OF G.O.(P) 185/2002/FIN. DTD. 27/03/2002.**
EXT.P13:	**COPY OF PROCEEDINGS NO.E3.10285/97 DTD. 20/12/04.**
EXT.P14:	**COPY OF G.O.(MS) NO.133/05/TD DTD. 22/09/05.**

/TRUE COPY/

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K.K. DENESAN, J.

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W.P.(C) No. 26189 OF 2004 P
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Dated this the 27th March, 2007

J U D G M E N T

The petitioner retired from the post of District Registrar. Full amount of D.C.R.G. was not disbursed to him for the reason that he was liable to account for a sum of Rs.67,987/-. As per order passed by this Court on 8-9-2004, D.C.R.G. less Rs.67,987/- was paid to the petitioner. Now the Inspector General of Registration has passed order dated 23-3-2007 stating that on further consideration of the quantum of the liability it is found that a sum of Rs.3,722/- alone need be fixed on the petitioner. After deducting Rs.3,722/- the balance amount due to be paid to the petitioner will come to Rs.64,265/-.

2. It is seen that copy of the order dated 23-3-2007 has been forwarded to the Sub Treasury Officer, Cherthala. A copy has been marked to the petitioner also. Therefore, the petitioner will be able to en-cash the amount of Rs.64,265/- if he approaches the Sub Treasury Officer, Cherthala.

3. Counsel for the petitioner submits that

recording the above submission, the writ petition can be disposed of. Then what remains is the claim for interest.

4. Having regard to the facts and events that have transpired, the effective forum to adjudicate the question of interest, in my view, will be the Civil Court, and therefore, the writ petition is disposed of reserving the right of the petitioner to claim interest by filing a civil suit before the competent authority.

The writ petition is disposed of as above.

K.K. DENESAN
JUDGE

jan/